

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

KENNETH L. HAYNES and
DARENDA A. HAYNES,

Plaintiffs,

v.

Case No. 2:08-cv-10358
Hon. Lawrence P. Zatkoff

RYM TECHNOLOGY HOLDINGS, LLC, a
Michigan limited liability company, FELIX L.
DANIEL, SR., ANTHONY B. FIELDS, DERRICK A.
BEELER, RAY FLUKER, FIRST FRANKLIN
FINANCIAL CORP., subsidiary of NATIONAL CITY
BANK OF INDIANA, a Delaware corporation,
NATIONAL CITY BANK, a foreign banking
corporation, FIFTH THIRD BANK, a federal banking
corporation, SOURCE ONE MORTGAGE
CORPORATION, a Michigan corporation, LAND
OWNERS TITLE AGENCY, INC., a Michigan
corporation, ROYAL MORTGAGE, INC., a Michigan
corporation, WAYNE SMITH, ARDRENA SMITH,
LYNN E. CARGILL and TIMOTHY G. WEGMEYER,

Defendants.

and

WAYNE SMITH and ARDRENA SMITH,

Counter-Plaintiffs/Cross-Plaintiffs,

v .

KENNETH HAYNES, DARENDA A. HAYNES,
RYM TECHNOLOGY HOLDINGS, LLC, a
Michigan limited liability company, FELIX L.
DANIEL, SR., ANTHONY B. FIELDS, DERRICK
A BEELER, RAY FLUKER, LAND OWNERS
TITLE AGENCY, INC., a Michigan corporation,
ROYAL MORTGAGE, INC., a Michigan
corporation, LYNN E. CARGILL and TIMOTHY G.
WEGMEYER,

Counter-Defendants/Cross-Defendants.

_____ /

ORDER OF DISMISSAL

On January 24, 2008, the Complaint filed by Plaintiffs/Counter-Defendants Kenneth Haynes and Darendia A. Haynes (the “Haynes”) was removed to this Court. On July 10, 2008, Defendants/Counter-Plaintiffs/Cross-Plaintiffs Wayne Smith and Ardrena Smith (the “Smiths”) filed a counter-complaint/cross-complaint in this Court.

Since July 2008, the Haynes have entered into stipulations of dismissal with or voluntarily dismissed their cause of action against every defendant named in their Complaint except Land Owners Title Agency, Incorporated (“Land Owners Title”). Likewise, since July 2008, the Smiths have obtained default judgment against, entered into stipulations of dismissal with or voluntarily dismissed their counter-complaint/cross-complaint against every counter-defendant and cross-defendant named in their counter-complaint/cross-complaint except Land Owners Title and RYM Technology Holdings, L.L.C. (“RYM”).¹

After reviewing the Docket, the Court notes:

1. Land Owners Title filed a notice of bankruptcy on July 23, 2008 (Docket #54), and neither the Haynes nor the Smiths has filed anything pertaining to Land Owners Title since that date; and
2. There is no evidence that the Smiths ever served their counter-complaint/cross-complaint on RYM.

Based on the foregoing inactivity related to Land Owners Title and RYM, the Court concludes that the interests of justice, including the Court’s interest in maintaining its docket, dictate that: (a) the Haynes’ cause of action against Land Owners Title be dismissed without prejudice, and (b) the

¹Counsel for the Smiths erroneously listed Source One Mortgage Company as a cross-defendant when completing his ECF filing; however, RYM (and not Source One Mortgage Company) is the named party in the Smiths’ counter-complaint/cross-complaint. *See* Docket #46. Accordingly, Source One Mortgage Company shall be removed as a counter-defendant on the Docket.

Smiths' counter-complaint/cross-complaint against Land Owners Title and RYM be dismissed without prejudice.

Accordingly, and for the reasons set forth above, the Court hereby DISMISSES WITHOUT PREJUDICE: (1) the Haynes' cause of action against Land Owners Title, and (2) the Smith's counter-complaint/cross-complaint against Land Owners Title and RYM. As such dismissals terminate the remaining outstanding claims in this matter, the Court therefore ORDERS that this case be closed.

IT IS SO ORDERED.

S/Lawrence P. Zatkoff

LAWRENCE P. ZATKOFF

UNITED STATES DISTRICT JUDGE

Dated: December 9, 2010

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on December 9, 2010.

S/Marie E. Verlinde

Case Manager

(810) 984-3290